

propriate staff in the agencies concerning each agency's procedures involving dependent adults, and to build awareness concerning dependent adults and reporting of dependent adult abuse.

Sec. 10. Section 249A.7, Code 2009, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A Medicaid fraud account is created in the general fund of the state under the authority of the department of inspections and appeals. Moneys from penalties and other amounts received as a result of prosecutions involving the department of inspections and appeals investigations and audits to ensure compliance with the medical assistance program that are not credited to the program may be credited to the account. Notwithstanding sections 8.33 and 8.39, moneys credited to the account shall not revert to any other account or fund and are not subject to transfer except as specifically provided by law. Moneys in the fund shall be used for costs associated with the department of inspections and appeals' efforts to address medical assistance program fraud and abuse and for costs incurred by the department of inspections and appeals or other agencies in providing regulation, responding to allegations, or other activity involving chapter 135O. The department of inspections and appeals and other agencies receiving moneys from the account shall provide a joint annual report to the governor and general assembly detailing the expenditures from the account and activities performed relating to the expenditures. This unnumbered paragraph is repealed on July 1, 2012.

Sec. 11. **MEDICAID FRAUD ACCOUNT.** There is appropriated from the Medicaid fraud account created in this Act to the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the amount necessary for the state financial match requirement for meeting the federal mandates connected with the department's Medicaid fraud and abuse activities, and the amount necessary to cover costs incurred by the department or other agencies in providing regulation, responding to allegations, or other activity involving chapter 135O.

Approved May 22, 2009

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## CHAPTER 137

### REGULATION OF ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES — PREMISES OCCUPANCY RATES

H.F. 278

**AN ACT** requiring notification of occupancy rates for certain premises licensed to permit on-premises consumption of alcohol.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 123.32, Code 2009, is amended by adding the following new subsection: NEWSUBSECTION. 4A. **OCCUPANCY RATES.** A local authority located in a county with a population that exceeds three hundred thousand persons, as a condition of obtaining and holding a license or permit for on-premises consumption, shall require the applicant, licensee, or permittee, to provide, and update if necessary, the occupancy rate of the licensed premises.

Approved May 22, 2009

**CHAPTER 138****CITY ELECTIONS — POLL OPENING TIMES***H.F. 450*

**AN ACT** relating to the time of opening the polls for certain city elections.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 49.73, subsection 1, Code 2009, is amended to read as follows:

1. At all elections, except as otherwise permitted by this section, the polls shall be opened at 7:00 a.m. if at least one official from each of the political parties referred to in section 49.13 is present. On the basis of voter turnout for recent similar elections and factors considered likely to so affect voter turnout for the forthcoming election as to justify shortened voting hours for that election, the commissioner may direct that the polls be opened at 12:00 noon for:

- a. Any school district election.
- b. Any election conducted for a city of ~~three thousand five hundred or less population~~, including a local option sales and services tax election conducted pursuant to section 423B.1. At elections conducted pursuant to chapter 423B, all polling places shall have the same voting hours.
- c. ~~Any election conducted for a city of more than three thousand five hundred population if there is no contest for any office on the ballot and no public question is being submitted to the voters at that election.~~
- d. ~~c.~~ Any election conducted for a benefited district.
- e. ~~d.~~ Any election conducted for the unincorporated area of a county.

Approved May 22, 2009

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**CHAPTER 139****INSURANCE COVERAGE FOR  
DIABETES SELF-MANAGEMENT AND EDUCATION***H.F. 478*

**AN ACT** relating to health insurance coverage for diabetes self-management training and education programs and providing effective and applicability dates.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 514C.18, Code 2009, is amended to read as follows:  
514C.18 DIABETES COVERAGE.

1. Notwithstanding the uniformity of treatment requirements of section 514C.6, a policy or contract providing for third-party payment or prepayment of health or medical expenses shall provide coverage benefits for the cost associated with equipment, supplies, and self-management training and education for the treatment of all types of diabetes mellitus when prescribed by a physician licensed under chapter 148. Coverage benefits shall include coverage for the cost associated with all of the following:

- a. Blood glucose meter and glucose strips for home monitoring.
- b. Payment for diabetes self-management training and education only under all of the following conditions: